

**RESOLUTION NO. 9 - 12**

**A RESOLUTION AUTHORIZING H&J SERVICES, INC. d/b/a HERBS  
MEDICINALS INC. TO RELOCATE FACILITIES WITHIN TOWN OF  
BERTHOUD LIMITS SUBJECT TO FUTURE REVIEW AND  
APPROVAL**

**WHEREAS**, the Town of Berthoud adopted Ordinance No. 1132, an Ordinance Amending Chapter 30, Section 5, of the Town of Berthoud Development Code, Town of Berthoud, Larimer and Weld Counties, Colorado, dated May 24, 2011;

**WHEREAS**, Ordinance No. 1132 amends Sec. 30-5-105 of the Town of Berthoud Development Code and governs uses permitted by special review for the operation of medical marijuana facilities within Town of Berthoud limits, and designates the Board of Trustees as the Local Licensing Authority and review committee for such medical marijuana facilities;

**WHEREAS**, the Town of Berthoud also has adopted the Berthoud Development Code, Chapter 30, which, among other things, governs the location and operation of businesses, including Medical Marijuana facilities, etc., within Town limits;

**WHEREAS**, H&J Services, Inc. d/b/a Herbs Medicinals Inc. ("Herbs") is a Medical Marijuana facility transacting business within the Town of Berthoud which has submitted a licensure application; and

**WHEREAS**, Herbs was previously authorized to move its operation and has now indicated its desire to relocate its facilities within Town of Berthoud limits, but may now be subject to a special use review process due to passage of an ordinance regulating Medical marijuana within the Town of Berthoud,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO THAT:**

**Section 1:** Herbs is authorized to relocate its facilities to 1015 2<sup>nd</sup> Street within Town of Berthoud limits without seeking prior review, evaluation and approval of the Town.

**Section 2:** Any relocation of facilities by Herbs shall be subject to review by the Town for a period of six (6) months. During that time, the Town may review Herb's new site location, facilities and all other licensing requirements to ensure full compliance with the Berthoud Development Code and all laws governing Medical Marijuana facility operation.

**Section 3:** Notice of any violation discovered by the Town within the six (6) month period will be provided to Herbs. Herbs must cure any violation within thirty (30) days of the date of issuance of any notice of violation in order to avoid an enforcement proceeding by the Town.

**Section 4:** This Resolution may not be construed to approve Herb's past or future location, nor does the Town waive Herb's requirement to lawfully abide by all federal, state and local

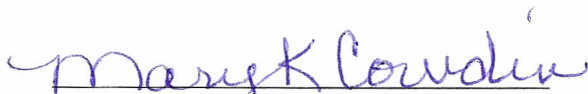
government requirements or restrictions regarding Medical Marijuana facilities, site review, licensing, and operations.

PASSED, ADOPTED AND APPROVED THIS 24<sup>th</sup> day of July, 2012.

**TOWN OF BERTHOUD**

  
\_\_\_\_\_  
David Gregg, Mayor

**ATTEST:**

  
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Mary Cowdin, Town Clerk